

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 2-2005)		ATTORNEY'S DOCKET NUMBER APH-0152
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		
INTERNATIONAL APPLICATION NO. PCT/GB2003/005659	INTERNATIONAL FILING DATE 12/22/2003	PRIORITY DATE CLAIMED 12/20/2002
TITLE OF INVENTION MACROLIDES		
 <p>NOV 07 2005</p> <p>PATENT &amp; TRADEMARK OFFICE</p>		
APPLICANT(S) FOR DO/EO/US Kjell Undheim Solví Gunnlaug		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li><input type="checkbox"/> The US has been elected (Article 31).</li> <li><input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> <li><input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li><input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol> <p>Items 13 to 23 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A FIRST preliminary amendment.</li> <li><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li><input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> Express Mail Label No.</li> <li><input checked="" type="checkbox"/> Other items or information:</li> </ol> <p>Information Disclosure Statement Transmittal; Form 1449; and Cited References</p>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/539,759		PCT/GB2003/005659		APH-0152	
The following fees are submitted:					
24. <input type="checkbox"/> Basic national fee .....		\$300		CALCULATIONS	
25. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) .....		\$100		PTO USE	
All other situations.....		\$200		\$ \$0.00	
26. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....		\$100		\$ \$0.00	
International Search Report prepared and provided to the Office .....		\$400		\$ \$0.00	
All other situations.....		\$500		\$ \$0.00	
<b>TOTAL OF 24, 25 and 26 =</b>					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0 /50 =	0	x \$250.00	\$ \$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$ \$0.00	
Independent claims	- 3 =	0	x \$200.00	\$ \$0.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>		+ \$360.00	\$ \$0.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
<b>SUBTOTAL =</b>					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
<b>TOTAL NATIONAL FEE =</b>					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ \$0.00					
<b>TOTAL FEES ENCLOSED =</b>					
Amount to be \$					
Amount to be \$					
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-1130</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:  Cantor Colburn, LLP 55 Griffin Road South Bloomfield, CT 06002 Phone No. 860-286-2929					
<i>Karen A. LeCuyer</i> SIGNATURE Karen A. LeCuyer NAME 51,928					
REGISTRATION NUMBER					

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
APH-0152

In Re Application Of: Gunnes, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/539,759	June 20, 2005	NYA	23413	1615	

Title: MACROLIDES

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

- The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

- The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

**OR**

the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
APH-0152

In Re Application of: Gunnes, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/539,759	June 20, 2005	NYA	23413	1615	

Title: MACROLIDES

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- A check in the amount of \_\_\_\_\_ is attached.  
 The Director is hereby authorized to charge and credit Deposit Account No. 06-1130 as described below.

- Charge the amount of \_\_\_\_\_  
 Credit any overpayment.  
 Charge any additional fee required.

- Payment by credit card. Form PTO-2038 is attached.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name of Person Signing Certificate

\*This certificate may only be used if paying by deposit account.

Karen A LeCuyer  
Signature

Karen A. LeCuyer  
Registration No. 51,928  
Phone No. 860-286-2929

**Certificate of Mailing by First Class Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

\_\_\_\_\_  
November 4, 2005

\_\_\_\_\_  
Signature of Person Mailing Correspondence

Tracy A. Axak

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Certificate

Dated: November 4, 2005

CC:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gunnes, et al. )  
Serial No.: 10/539,759 ) Group Art Unit: 1615  
Filing Date: June 20, 2005 )  
For: MACROLIDES )  
                            )

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §§ 1.56, 1.97 AND 1.98**

Sir:

In compliance with the duty to disclose, submitted herewith is form PTO-A820 (PTO-1449) listing publication(s) of which those designated by 37 CFR § 1.56 are aware. Copies of the non-United States patents or published applications are enclosed.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability.

Respectfully submitted,

CANTOR COLBURN LLP

By: *Karen A. LeCuyer*  
Karen A. LeCuyer  
Registration No. 51,928

Date: November 4, 2005  
Customer No.: 23413  
Telephone: (860) 286-2929

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.

**EXAMINER:** Initial if reference considered, whether or not citation in conformance with MPEP 609; Draw line through citation if not conformance is deemed irrelevant.